

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
ANTHONY H. REEVES,

Plaintiff,

-against-

LABOR READY NORTHEAST, INC.,

Defendant.

ANALISA TORRES, District Judge:

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 3/13/2014

11 Civ. 08522 (AT)(RLE)

ORDER

By letters dated February 5, 2014 (ECF No. 32) and March 7, 2014 (ECF No. 33), Plaintiff alleges that Defendant has breached the settlement agreement in this matter by improperly withholding federal taxes from his settlement payments. However, on December 10, 2013, Plaintiff signed a stipulation voluntarily dismissing this action, with prejudice, pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii). The Stipulation was submitted to the Court on February 12, 2014 (ECF No. 30), and the Court entered an order dismissing the action on February 13, 2014 (ECF No. 31).

The Stipulation did not inform the Court that the action was being dismissed pursuant to a settlement agreement, nor did it request that the Court retain jurisdiction to enforce a settlement agreement. Accordingly, because Plaintiff voluntarily dismissed this action, with prejudice, this Court is without jurisdiction to adjudicate the breach of contract claims alleged in his letters. *See Kokkonen v. Guardian Life Ins. Co. of Am.*, 511 U.S. 375, 381-82 (1994); *Scelsa v. City Univ. of New York*, 76 F.3d 37, 40 (2d Cir. 1996) (“In the absence of . . . an independent basis for jurisdiction, a federal court has jurisdiction to enforce a settlement agreement only if the dismissal order specifically reserves such authority or the order incorporates the terms of the settlement. Absent some action making a settlement agreement part of a dismissal order or some other, independent basis for jurisdiction, enforcement of a settlement agreement is for the state courts.”) (citation omitted).

Plaintiff may pursue relief for his breach of contract claim in a state court of suitable jurisdiction.

The Clerk of the Court is directed to mail a copy of this order to *pro se* Plaintiff.

SO ORDERED.

Dated: March 13, 2014
New York, New York



ANALISA TORRES
United States District Judge